

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

Clare Pontello,)	
)	
Plaintiff,)	DIST. COURT NO.:4:18-CV-19
)	
vs.)	STATE CASE NO.:
)	17SL-AC31307
Credit Protection Association, LP)	
)	
Defendants.)	
)	
)	

NOTICE OF REMOVAL

To: Judges of the United States District Court for the Eastern District of Missouri

Defendant, Credit Protection Association, LP (“Credit Protection Association” or “Defendant”), by and through its attorney James M. Brodzik, gives its Notice of Removal pursuant to 28 U.S.C. § 1441(a) and 1446, and in support thereof, states as follows:

1. On November 10, 2017, Plaintiff filed a complaint against defendant in the Circuit Court of Saint Louis County. A copy of the complaint is attached hereto and incorporated herein by reference as Exhibit A.

2. On December 8, 2017, process was served on Credit Protection Association. A copy of the Summons is attached hereto as Exhibit B.

3. Copies of the above-mentioned complaint and summons constitute true and correct copies of the documents filed and served on Defendant. These are the only documents filed in the underlying case to the best of Defendant’s knowledge and are the only process, pleadings, and orders served on Defendant.

4. This Notice was filed with the Clerk of the United States District Court within thirty (30) days after service of the complaint upon any defendant. 28 U.S.C. § 1446(b)(1).

5. 28 U.S.C. §1441(a) provides as follows:

any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.

6. United States District Court for the Eastern District of Missouri has jurisdiction over the Plaintiff's claim due to the fact that the allegations contained in his complaint arise under the Constitution, laws or treaties of the United States. 28 U.S.C. § 1331.

7. Specifically, in the complaint, Plaintiff alleges that Defendant violated the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §§ 1692-1692pp. (Ex. A.)

8. The FDCPA is a federal statute, and thus claims for violations of the FDCPA are removable. *See Hickman v. Alpine Asset Mgmt. Grp., LLC*, 919 F. Supp. 2d 1038, 1041 (W.D. Mo. 2013).

WHEREFORE, Defendant, Credit Protection Association, LP, respectfully request that this case proceed in this court as an action properly removed.

Respectfully submitted,
Credit Protection Association, LP

By: /s/James M. Brodzik
One of its attorneys

James M. Brodzik
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CERTIFICATE OF SERVICE

I hereby certify that on January 5, 2018, I caused **DEFENDANT Credit Protection Association, LP's NOTICE OF REMOVAL** to be electronically filed with the clerk of the Court through the CM/ECF system with a copy of the same to be served by regular mail to the following:

Dominic M. Pontello
406 Boones Lick Rd
St. Charles, MO 63301
dominic@pontellolaw.com

/s /James M. Brodzik_____